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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,026	09/18/2003	Darrin W. Kabel	702.254	9123
38933	7590	10/04/2005	EXAMINER	
DEVON A. ROLF GARMIN LTD. 1200 EAST 151ST STREET OLATHE, KS 66062			STONE, JENNIFER A	
			ART UNIT	PAPER NUMBER
			2636	

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/667,026

Applicant(s)

KABEL ET AL.

Examiner

Jennifer A. Stone

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 31 August 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19-22 is/are allowed.
- 6) ☒ Claim(s) 1-18 and 23-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 5, 10, 42, 43 are rejected under 35 U.S.C. 102(e) as being anticipated by Fujimoto et al. (US 20045/0006423).

For claim 1, Fujimoto discloses a method for marine navigation, comprising: receiving one or more preselected conditions from a user (parag 0115); identifying a potential waypoint (paragraph 0071, 0072; Figure 4); and performing a marine route calculation algorithm to analyze a course between a first location and the potential waypoint in view of the preselected conditions (parag 0076-0078).

For claim 2, Fujimoto discloses performing the marine route calculation algorithm to include analyzing cartographic data that include preselected conditions between the first location and the potential waypoint with a preference for avoiding preselected conditions (parag 0023, parag 0106, lines 1-7; parag 0113; parag 0115).

For claim 3, the marine route calculation algorithm further includes re-routing the course to avoid the preselected conditions when the marine route calculation algorithm identifies one or more preselected conditions between the first location and the potential waypoint (parag 0023, 0132, 0133; Fig. 22a, 22b).

For claim 5, Fujimoto determines a first location on the course based on a signal from a GPS; and analyzing cartographic data for a predetermined area around the first location for preselected conditions (parag 0067, lns 1-10; parag 0068, last 9 lines; parag 0071, 0072).

For claim 10, Fujimoto discloses receiving preselected conditions selected from the group of land, water depth, rock(s), sandbars, shelves, tide condition, tidal data, wind conditions, weather conditions, ice, above-water obstacles, underwater obstacles, type of water bottom, and prohibited areas (parag 0047; parag 0115; Fig. 17a-c, items 301, 302).

For claim 42, Fujimoto discloses a first location and a potential waypoint independent of a current location of a device implementing the method (parag 0139; 0140).

For claim 43, Fujimoto discloses at least a portion of the course is unrelated to a current heading of a device implementing the method (parag 0140, last 10 lines).

3. Claims 23-25, 27, 29, 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Fujimoto et al. (US 20045/0006423).

For claim 23, Fujimoto discloses a computer readable medium having a set of computer readable instructions (parag 0067, lns 1-10; parag 0068, lns 1-8 and last 12 lines), the set of computer readable instructions comprising instructions for: receiving one or more preselected conditions from a user (parag 0115); identifying a potential waypoint upon a first event (parag 0071, 0072; parag 0077, 0078); and performing a

marine route calculation algorithm to analyze a course between a first location and the potential waypoint in view of preselected conditions (parag 008245).

For claim 24, the claim is interpreted and rejected for the same reasons as stated in the rejection of claim 2 as stated above.

For claim 25, the claim is interpreted and rejected for the same reasons as stated in the rejection of claim 3 as stated above.

For claim 27, the claim is interpreted and rejected for the same reasons as stated in the rejection of claim 5 as stated above.

For claim 29, the claim is interpreted and rejected for the same reasons as stated in the rejection of claim 17 as stated above.

For claim 33, the claim is interpreted and rejected for the same reasons as stated in the rejection of claim 10 as stated above.

4. Claims 34-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Fujimoto et al. (US 20045/0006423).

For claim 34, Fujimoto discloses an electronic marine navigation device, comprising: a processor; a user interface operatively coupled to the processor, wherein the user interface receives one or more preselected conditions from a user (parag 0067, Ins 6-12; Fig. 1, items 2, 3); a location input operatively coupled to the processor, wherein the location input receives a first location and a potential waypoint separate from the first location; and a memory operatively coupled to the processor and the location input (parag 0116), the memory having cartographic data including data related to the preselected conditions (parag 0115), wherein the processor operates on a marine

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route calculation algorithm to analyze a course between the first location and the potential waypoint in view of the preselected conditions of the cartographic data.

For claim 35, the claim is interpreted and rejected for the same reasons as stated in the rejection of claims 2 and 34 as stated above.

For claim 36, the claim is interpreted and rejected for the same reasons as stated in the rejection of claims 3 and 34 as stated above.

5. Claim 44 is rejected under 35 U.S.C. 102(e) as being anticipated by Fujimoto et al. (US 20045/0006423).

Fujimoto discloses a method for marine navigation, comprising: identifying a potential waypoint (paragraph 0066; 0072, lines 1,2); and performing a marine route calculation algorithm to analyze a course between a first location and the potential waypoint (parag 0068, lns 5-8) in view of preselected conditions received from a user and selected from the group of land, water depth, rock(s), sandbars, shelves, tide condition, wind conditions, weather conditions, ice, above-water obstacles, underwater obstacles, type of water bottom, and prohibited areas (parag 0047; parag 0115; Fig. 17a-c, items 301, 302).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fujimoto et al. (US 20045/0006423),

Fujimoto discloses a GPS system operatively coupled to the processor (Fig. 1, items 3, 6; parag 0066, Ins 1-3, 12-16), wherein the processor determines the first location on the course based on a signal received from the GPS (parag 0068, last 9 lines), and analyzes cartographic data for a predetermined area around the first location for preselected conditions (parag 0072; 0113). Even though Fujimoto does not specifically disclose a GPS receiver, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to include a GPS receiver to receive signals from a satellite in order to determine the ships position.

8. Claims 4 and 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujimoto et al. (US 20045/0006423), and further in view of Michaelson et al. (US 6,734,808).

For claim 4, Fujimoto discloses re-routing the course calculated, but does so by identifying user waypoints (parag 0140, Ins 1-5). Michaelson, on the other hand discloses re-routing a course by identifying one or more non-user waypoints (determined by the system, not the user) between the first location and the potential waypoint (col 24, Ins 41-50 and 55-64). It would have been obvious to disclose non-user waypoints so that an operator of a ship relies on automatic navigation between a point of origin and a destination without constantly monitoring the ship's travel route.

For claim 6, Fujimoto does not disclose an alert signal; however, Michaelson discloses an alert signal is provided when the analyzed cartographic data for the predetermined area around the first location includes preselected conditions (col 2, lns 11-14; col 6, lns 13-17). It would have been obvious to provide an alert signal so that a ship's operator acknowledges an alert and verifies that the ship is maneuvered around a preselected condition to ensure the safety of the ship's passengers.

For claim 7, Fujimoto does not disclose an alert signal; however, Michaelson discloses an alert signal is provided when the analyzed cartographic data for the predetermined data between the first location and the potential waypoint includes preselected conditions (col 6, lns 13-26). It would have been obvious to provide an alert signal so that a ship's operator acknowledges an alert and verifies that the ship is maneuvered around a preselected condition to ensure the safety of the ship's passengers.

For claim 8, the claim is interpreted and rejected for the same reasons as stated in the rejections of claim 6 and 7 as stated above. In addition, Michaelson discloses the alert signal includes emitting an audio alert (col 6, lns 15-18; Fig. 2, item 28).

For claim 9, the claim is interpreted and rejected for the same reasons as stated in the rejections of claim 6-8 as stated above. Michaelson discloses providing the alert signal to include displaying a visual alert.

9. Claims 11-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujimoto et al. (US 20045/0006423), and further in view of Michaelson et al. (US 6,734,808).

For claim 11, the claim is interpreted and rejected for the same reasons as stated in the rejection of claims 1 and 6 as stated above.

For claim 12, the claim is interpreted and rejected for the same reasons as stated in the rejection of claim 3 as stated above.

For claim 13, the claim is interpreted and rejected for the same reasons as stated in the rejection of claim 4 as stated above.

For claim 14, the claim is interpreted and rejected for the same reasons as stated in the rejection of claim 7 as stated above.

For claim 15, the claim is interpreted and rejected for the same reasons as stated in the rejection of claim 5 as stated above.

For claim 16, the claim is interpreted and rejected for the same reasons as stated in the rejection of claim 6 as stated above.

For claim 17, Fujimoto discloses analyzing cartographic data further comprises acquiring cartographic data from a GPS (parag 0067, Ins 1-5).

For claim 18, the claim is interpreted and rejected for the same reasons as stated in the rejection of claim 10 as stated above.

10. Claims 26, 28, and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujimoto et al. (US 20045/0006423), and further in view of Michaelson et al. (US 6,734,808).

Claim 26 is interpreted and rejected for the same reasons as stated in the rejection of claim 4 as stated above.

Claim 28 is interpreted and rejected for the same reasons as stated in the rejection of claim 6 as stated above.

Claims 30-32 are interpreted and rejected for the same reasons as stated in the rejection of claims 7-9, respectively, and as stated above.

11. Claims 37, 39 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujimoto et al. (US 20045/0006423), and further in view of Michaelson et al. (US 6,734,808).

For claim 37, the claim is interpreted and rejected for the same reasons as stated in the rejection of claims 4 and 34 as stated above.

For claim 39, the claim is interpreted and rejected for the same reasons as stated in the rejection of claims 6 and 34 as stated above.

For claim 40, the claim is interpreted and rejected for the same reasons as stated in the rejection of claims 7 and 34 as stated above.

12. Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fujimoto et al. (US 20045/0006423), as applied to claim 34, and further in view of Michaelson et al. (US 6,734,808) and Horvath et al. (US 6,473,003).

Fujimoto discloses a processor to operate on the marine route calculation algorithm to analyze cartographic data (parag 0067, Ins 6-12; parag 0068, Ins 1-10); however, Fujimoto does not disclose an alert signal. Michaelson discloses an alert signal wherein a processor provides an alert signal when analyzed cartographic data includes preselected conditions (col 2, Ins 11-14; col 6, Ins 13-17). It would have been obvious to provide an alert signal so that a ship's operator acknowledges an alert and verifies

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that the ship is maneuvered around a preselected condition to ensure the safety of the ships passengers. However, neither Fujimoto nor Michaelson disclose a user defined graphical filter area. Horvath, on the other hand, does disclose a user defined graphical filter area (col 1, lns 10-14; col 2, lns 30, 31, 44-48) wherein a processor operates to analyze cartographic data and provides an alert signal when the analyzed cartographic data for the user defined graphical filter area includes preselected conditions (col 2, lns 60-63; Fig. 4, 30i). Even though Horvath's primary application is aircraft navigation, it would have been obvious to apply a user defined graphical filter area to a marine navigation system so that a user has a certain degree of control over the display in order to customize it according to the user's preferences.

Allowable Subject Matter

13. Claims 19-22 are allowed.

Continued Examination Under 37 CFR 1.114

14. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 31, 2005 has been entered.

Response to Arguments

15. Applicant's arguments with respect to claims 1-44 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer A. Stone whose telephone number is (571) 272.2976. The examiner can normally be reached 8:00-4:30, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Jeffery Hofsass can be reached at (571) 272.2981. The fax phone number for the organization where this application or proceeding is assigned is (571) 273.8300 for regular and after final communications.

Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272.2600.

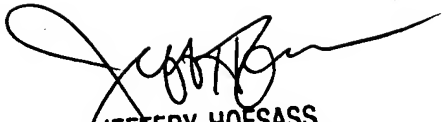
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Jennifer Stone
September 30, 2005



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SUPERVISORY PATENT EXAMINER
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